

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

CRP.No. 2096 of 2003

(AGAINST THE ORDER DATED 17/10/2003 IN EA.1470 & 1471 OF 2002 IN
EP.275/98 IN OS.204/1988 of PRINCIPAL SUB COURT,ERNAKULAM)

REVN. PETITIONER/RESPONDENT NO.1/ 1st JUDGMENT DEBTOR:

NORBERT KARIKKASSERY,
AGED 54,
RESIDING AT KARIKKASSERY HOUSE, MALIPPURAM,
ELANKUNNAPUZHA VILLAGE, KOCHI-682511.

BY ADV. SRI.GEORGE MERLO PALLATH

RESPONDENTS/ PETITIONERS/DECREE HOLDERS:

1. ELIZABETH SHEELA LUKOSE,
W/O. LUKOSE MATHEW, AGED 44, RESIDING AT
ERALIL HOUSE, CHULLIKKAL, KOCHI-5.
2. THANKAMMA PHILIPOSE, AGED 68,
W/O. T.P.PHILIPOSE, RESIDING AT THEKKETHALAKKAL
HOUSE, PUTHENGADI, KOTTAYAM.
3. ANNA SHERRY PHILIPOSE, AGED 34,
D/O. T.P.PHILIPOSE, RESIDING AT -DO-.
4. MARIAMMA SCARIA, AGED 80,
W/O. SCARIA, RESIDING AT "DEEPTHI",
B.T.S. ROAD, EDAPALLY, KOCHI.
5. ELIZABETH JOSEPH, W/O. E.M.JOSEPH,
AGED 50, RESIDING AT SELVAM FLOUR MILLS,
CHAMPAKKARA, KOCHI-19.
6. ANIL KUMAR K.G., S/O. GANGADHARAN,
AGED 44, RESIDING AT KALLAPARAMBIL HOUSE,
PALLURUTHY, KOCHI-6.

7. SAMLAL BABU, S/O. PADMANABHAN,
AGED 46, RESIDING AT CHERNALLY HOUSE,
KALOOR, KOCHI-17.
8. SHRI PAUL T. JACOB, AGED 35,
S/O. T.K.JACOB, RESIDING AT THADIAN HOUSE,
KANDANAD P.O., TRIPUNITHURA.

BY ADV. SRI.K.G.SARATHKUMAR

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 15/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

CRP.No. 2096 of 2003

ORDER ON I.A.NO. 2557 OF 2003 IN C.R.P.NO. 2096 OF 2003

DISMISSED.

15.11.2007

SD/- K.T. SANKARAN, JUDGE.

/TRUE COPY/

P.A. TO JUDGE.

K.T. SANKARAN, J.

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C.R.P. No. 2096 OF 2003
.....

Dated this the 15th November, 2007

ORDER

The order passed by the executing court in restoring the execution petition and in condoning the delay in filing the application is under challenge in this revision. The court below, taking into account the fact that if a fresh execution petition is filed, it would be beyond the period of limitation, thought it fit to exercise the discretion to condone the delay and to restore the execution petition. The contention raised by the revision petitioner that section 5 of the Limitation Act cannot be invoked, was answered by the executing court stating that the application was, in fact, for reviewing the order passed by the executing court and the facts and circumstances of the case would justify the condonation of delay. I do not think that there is any error or illegality in the order passed by the court below.

The Civil Revision Petition is accordingly dismissed.

**K.T. SANKARAN,
JUDGE.**

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